

# The Governor on Anti-Gun Legislation

## 2013-2014 Session

- **SB 140 – Signed by governor and Chaptered**
  - This bill would appropriate \$24,000,000 from the Dealers' Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System, thereby making an appropriation. The bill would require the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the Armed Prohibited Persons System has been reduced or eliminated, as specified.
  - This bill would declare that it is to take effect immediately as an urgency statute
- **SB 299 – Vetoed by the Governor**
  - This bill would require every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 48 hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. The bill would make it a misdemeanor for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false. The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.
- **SB 363 – Signed by Governor and Chaptered**
  - Provides that any person who owns or possesses any firearm and resides with an individual who he/she knows is prohibited from possessing, receiving, owning, or purchasing a firearm be required to secure the firearm within a locked container, as defined, and store the firearm in a manner that the individual may not gain access to the firearm. A violation would be a misdemeanor. The penalty would be a "first degree" criminal storage of a firearm (an alternate felony/misdemeanor, subject to realignment rules, with a maximum period of 3 years' incarceration and/or a fine of up to \$10,000) if the prohibited person actually obtains access to the firearm and inflicts death or great bodily injury on himself or another person, and a "second degree" if the prohibited person obtains access to the firearm and takes it into a public place or brandishes it (a misdemeanor, punishable by up to one year in county jail and/or a fine of up to \$1,000). Requires that existing fees required to be paid each year by manufacturers to have their weapons listed on the Department of Justice's list of not "unsafe" handguns to be paid, beginning on January 1, 2015, by January 1 or the next business day. Provides that the current prohibition against selling, manufacturing, or importing an "unsafe handgun" after January 1, 2001, which contains exceptions for peace officers and the military or naval forces of this state or the United States also does not apply to sales or transfers to, or purchased by, "any federal law enforcement agency."

- **SB 374– Vetoed by the Governor**

- Expands the definition of assault weapon as it pertains to semiautomatic centerfire rifles to ban (with existing law enforcement exceptions) the possession, manufacture, or sale of a semiautomatic centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds. Removes, for semiautomatic centerfire rifles, the requirement that, in order to be classified as an assault weapon, the firearm must have a detachable magazine and one of six specified military-type features. Provides that a person who lawfully possessed an assault weapon, as specified, that does not have a fixed magazine, is required to register the firearm by July 1, 2014, with the Department of Justice, as specified, including payment of a fee of up to \$15 per person.

- **SB 475– Vetoed by the Governor**

- Provides that events at which a firearm or ammunition is sold on the property or in the buildings that comprise current or future Cow Palace property in San Mateo County and the City and County of San Francisco can occur only with approval by both the Board of Supervisors of the County of San Mateo and the Board of Supervisors of the City and County of San Francisco, as specified.

- **SB 755 – Vetoed by the Governor**

- Adds specified offenses to the list of misdemeanors that result in a 10-year prohibition on firearms possession, including, a violation of two or more misdemeanors relating to driving under the influence, or controlled substances crimes, or being under the influence in public, which occur within three years. Provides that persons ordered into outpatient treatment due to mental illness, as specified, will be prohibited from possessing firearms while subject to “assisted outpatient treatment” (court-ordered mental health treatment pursuant to “Laura’s Law”)

- **AB 48 – Signed by Governor and Chaptered**

- Expands the definition of a banned “large capacity magazine” to include “a readily restorable disassembled large-capacity magazine and an oversize magazine body that appears to hold in excess of 10 rounds.” Allows disassembled parts of a magazine to be deemed a large-capacity magazine if the parts could be assembled into a large-capacity magazine. Expands the existing crime of manufacturing a large-capacity magazine (an alternate felony/misdemeanor) to include buying or receiving a large-capacity magazine and makes an equivalent change for possession of parts or combinations of parts of a fully functioning large-capacity magazine. Requires, contingent upon the enactment of SB 53 (De Leon), the Department of Justice to alert local law enforcement entities in the city or county in which the purchaser resides if the purchaser obtains more than 3,000 rounds within a five-day period and the purchaser is an individual and not an authorized firearms dealer. Extends from six months to five years the amount of time that a person who communicates a threat to a licensed psychotherapist that is a serious threat of physical violence against a reasonably identifiable victim or victims becomes a prohibited person (i.e., someone for whom it is illegal to own or possess firearms). Makes procedural changes that remove ambiguity in current law which suggests that the burden is on the individual to prove to a court’s satisfaction that he or she would not be likely to use firearms in a safe or lawful manner and, instead makes it clear that a prosecutor must prove by a preponderance of the evidence that the person would not use firearms safely. Makes changes in various provisions of law requiring courts, law enforcement, licensed psychotherapists, and mental health facilities to report “immediately” to the Department

of Justice that a person is a prohibited person because of various mental health-related legal statuses that “immediately” means in electronic format in 24 hour or less. Makes other, minor changes

- **AB 169 – Vetoed by Governor**

- Removes the current exemption from the prohibition against selling or transferring an “unsafe handgun” via private party sales. (Under current law, a licensed firearms dealer, with some exceptions, cannot sell so-called “unsafe handguns,” but private party transfers, which are required to be consummated through a dealer, are exempt from that prohibition.) Narrows the scope of the current exemption to the prohibition against selling or transferring “unsafe handguns” applicable to single-shot pistols by requiring that the pistol must have a “break top or bolt action” and providing that a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in semiautomatic mode is not within the exemption. Adds an exemption relating to purchases by entertainment prop houses.

- **AB 180 – Vetoed by Governor**

- Existing law states the intention of the Legislature to occupy the whole field of regulation of registration or licensing of commercially manufactured firearms as encompassed by the Penal Code to the exclusion of all local regulations.
- This bill would provide an exception to those provisions by authorizing the City of Oakland to enact and enforce an ordinance or regulation that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code

- **AB 231 – Signed by Governor and Chaptered**

- Provides that a person commits the crime of “criminal storage of a firearm in the third degree” if the person keeps any loaded firearm within any premises that are under the person’s custody or control and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm, unless reasonable action is taken by the person to secure the firearm against access by the child. Makes this offense a misdemeanor, punishable by up to six months in county jail and/or a fine of up to \$1,000. Current law already makes unsafe storage of a loaded firearm a crime if the child brandishes the firearm, inflicts injury with it, or takes it into a public place. There is no loophole that needs to be closed, and this bill will expose gun owners to haphazard and inconsistent enforcement.

- **AB 500 – Signed by Governor and Chaptered**

- Allows the Department of Justice to extend the current 10-day waiting period for background checks for gun purchases to up to 30 days if the criminal background check is not complete because the Department of Justice was unable to verify within that timeframe whether the purchaser is a prohibited person, or whether he or she has violated the one handgun per month limitation, as specified. Provides that a person who is not a prohibited person is required to store his or her firearms in specified secure ways if he or she knows, or has reason to know, that a prohibited person resides in the household.

- **AB 538 – Signed by Governor and Chaptered**
  - Requires a purchaser to sign a register or record or electronic transfer on the date that a firearm is delivered to him or her. Makes a number of mostly minor and technical, but unnecessary changes to the firearms laws, adding to the complexity of those provisions without correcting any bona fide problems.
- **AB 711 – Signed by Governor and Chaptered**
  - Requires the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm.